

REMARKS

Claims 1-31 remain in the application. No claims have been added, cancelled, or amended.

Claims 1-9, 11-20, 22, 23 and 25-30, of which claims 1, 14, 16, 18, 27, and 31 are independent, were rejected under 35 U.S.C. § 103 over Balakrishnan in view of Taylor. Applicants respectfully traverse the rejection.

Independent claim 1 recites receive interfaces, a transformation module, and a target interface, where the transformation module transforms and communicates data from a first receive interface to the target interface. In support of the rejection, the Office Action equates the claimed “receive interface” with Balakrishnan’s “cluster head,” and the claimed “transformation interface” with Balakrishnan’s “base station.” The Office Action concedes that Balakrishnan does not disclose the recited translation module, but nonetheless proposes that it would be obvious to modify Balakrishnan with such a translation module because Balakrishnan states that its “nodes” need not be “homogenous” and would therefore require translation.

The Office Action appears to equate or define “non-homogenous” computing elements as components which cannot communicate with each other absent translation. Yet Applicants find no support for such a definition in Balakrishnan or the art itself. Balakrishnan uses the term four (4) times, but seems to assume its definition without exploring it; the most instructional language is: “the nodes are identical or homogenous but that this need not be so.” This implies that “homogenous” means “similar,” which is consistent with general and computer dictionary definitions, *e.g.*, “of the same or a similar kind or nature.” Merriam-Webster's Online Dictionary, 10th Edition, and “Of uniform nature, similar in kind” Free On-line Dictionary of Computing.

Balakrishnan thus only teaches that its nodes may be identical, similar (homogeneous) or not similar (non-homogenous). Yet nothing in that teaching implies that non-homogenous nodes are incompatible and/or require an additional translation matrix. Computers, modems and servers are completely different devices and thus “non-homogenous,” yet they communicate with ease and without need of a translation module. Thus, no teaching or motivation exists in Balakrishnan of any incompatibility that requires a translation module.

It is also not clear why one of skill would turn to Taylor for translation teachings. Balakrishnan addresses the field of “a distributed microsensor network is a network in which multiple, small, inexpensive, easy to handle sensors, interfaced with microprocessors, are deployed and distributed in a region for monitoring and control purposes.” Taylor addresses the field of “new electronic devices with embedded processing capabilities [examples include] smart-phones, handheld computers and personal data assistants, television set-top boxes, high-definition television, automotive accessories such as real-time GPS navigation systems, security system sensors, and pagers. Each of these devices generally has different communication and data needs and capabilities.” That Taylor suggests that translation mechanisms may be required because an automotive accessory cannot communicate with a television set to box simply does not provide a corresponding motivation for Balakrishnan’s dispersed sensors.

Accordingly, claim 1 is patentably distinct over the applied combination. Withdrawal of the rejection of claim 1 and allowance of the same are therefore respectfully requested.

Similarly, independent claims 14, 16, 18 and 27 recite the noted transformation. The claims, and claims dependent therefrom, are therefore patentably distinct over the applied combination of Balakrishnan in view of Taylor for the same reasons as discussed with respect to claim 1. Withdrawal of the rejection and allowance of the same are therefore requested.

Dependent claims 10 and 24, which depend from claims 1 and 18, respectively, have been rejected as obvious over Balakrishnan. Applicants traverse the rejection.

Applicants initially note that the rejection is improper on its face, in that the Examiner has already concluded that Balakrishnan alone is insufficient basis to reject claims 1 and 18, and thus relies upon the addition of Taylor to reject the independent claims. If Balakrishnan alone is insufficient to reject independent claims 1 and 18, then by definition it is insufficient to reject dependent claims 10 and 24.

In addition, the sole basis of the rejection of claims 10 and 24 is the alleged presence of “nonfunctional descriptive material” in the claims, for which the Office Action cites *In re Gulak* and *In re Lowry*. Applicants submit that the Office Action misapplies the holdings of these cases, both of which address so-called “printed matter” rejections, in which the only distinction from the prior art is the claimed subject matter of the printed matter on the substrate (for example, the words in a newspaper; where the words are content and paper is the substrate). The claims at issue do not recite any such printed matter, and therefore cannot be the subject of a printed matter rejection. Rather, as *In re Lowry* itself expressly states: “The printed matter cases have no factual relevance where ‘the invention as defined by the claims requires that the information be processed not by the mind but by a machine, the computer.’ The printed matter cases have no factual relevance here. Nor are the data structures analogous to printed matter.” *In re Lowry* at 32 USPQ2d 1031, 1034 (Fed. Cir. 1994). A track file is a computer format and thus not subject to the printed matter rejection. The language cannot be considered “not to count,” such that it is excised from the claim and only the mutated claim is left for examination. Since the track file is not shown by the applied art, the applied references fail to suggest the claimed combination.

Accordingly, claims 10 and 24 are patentably distinct over the applied art. Withdrawal of the rejection of claims 10 and 24 and allowance of the same are therefore requested.

Claim 21 has been rejected under 35 U.S.C. § 103 as obvious over Balakrishnan in view of Mulgund. Applicants respectfully traverse the rejection.

Applicants initially note that the rejection is improper on its face, in that the Examiner has already concluded that Balakrishnan alone is insufficient basis to reject claim 18, such that it is by definition insufficient to reject dependent claim 21.

The Office Action cites Mulgund for its teaching of real time signals. Yet there is no suggestion or motivation to combine this with Balakrishnan. The Office Action cites to Balakrishnan at col. 15, lines 29-23 (*sic*) for such teaching, but the cited language speaks only about aggregating data. The language neither teaches nor implies any use or need for real time signals. Indeed, given Balakrishnan's architecture, it is unclear how it would effectively process real time signals without extensive modification (and for which no motivation exists to do so).

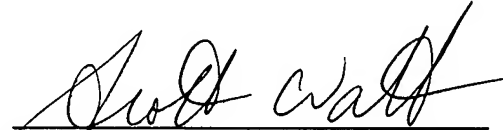
Accordingly, claim 21 is patentably distinct over the prior art. Withdrawal of the rejection and allowance of claim 21 are therefore requested.

Claim 31 has been rejected under 35 U.S.C. § 103 as obvious over Balakrishnan in view of Taylor and Close. Applicants traverse the rejection. Claim 31 recites a transformation step similar to claim 1, such that the combination is patentably distinct over the applied combination of Balakrishnan in view of Taylor for the same reasons as discussed with respect to claim 1. The addition of Close for teachings of platforms and data formats does not provide what is lacking in the primary and secondary reference. Claims 31 is thus patentably distinct over the applied art. Withdrawal of the rejection of claim 31 and allowance of the same are therefore respectfully requested.

Accordingly, the application is now fully in condition for immediate allowance and a notice to that effect is respectfully requested.

The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 12492.0148).

Respectfully submitted,



Scott D. Watkins, Reg. No. 36,175

Date: September 24, 2007

STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036-1795
Tel: (202) 429-6420
Fax: (202) 828-3658